

U. S. DEPARTMENT OF LABOR  
Employees' Compensation Appeals Board

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In the Matter of MARGARITA ROLIZ and U.S. POSTAL SERVICE,  
POST OFFICE, San Francisco, CA

*Docket No. 01-392; Submitted on the Record;  
Issued November 21, 2001*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury while in the performance of duty causally related to factors of her federal employment.

The Board has duly reviewed the record and finds that the case is not in posture for decision.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitations of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>3</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> *Joe Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

diagnosed condition is causally related to the employment factors identified by claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence.

Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>4</sup>

On October 18, 1999 appellant, then a 48-year-old mailhandler, filed an occupational disease claim, alleging that her work activities of standing on hard floors, walking, pushing, pulling and lifting caused plantar fasciitis of the left foot. The Office of Workers' Compensation Programs denied appellant's claim on December 20, 1999, finding that the evidence of record failed to establish the existence of the condition for which compensation was claimed. Therefore, fact of injury was not established.

By letter dated January 5, 2000, appellant requested an oral hearing, which was held on June 21, 2000. By decision dated August 14, 2000 and finalized on August 18, 2000, the hearing representative found that the evidence of record failed to include a rationalized medical opinion causally relating appellant's plantar fasciitis to employment factors.

The medical evidence submitted in support of appellant's claim for plantar fasciitis consisted of multiple form reports by Dr. Harry Lew, covering October 6, 1999 through June 2000; and a June 27, 2000 narrative report by Dr. Lew.

On an October 6, 1999 form report, Dr. Lew stated that appellant was first seen that day for complaints of "left heel pain for months." His objective findings included neurovascular and skin examinations of the feet, as well as x-rays, which revealed no fracture of the heel, plantar spur and a diagnosis of plantar fasciitis. On a June 1, 2000 report Dr. Lew diagnosed plantar fasciitis bilaterally, left greater than the right. On March 30 and April 25, 2000 form reports, Dr. Lew diagnosed fasciitis left heel – work aggravated. On a December 14, 1999 form report, Dr. Lew diagnosed plantar fasciitis and recommended absolutely no walking on hard floors. On a November 1, 1999 form report, Dr. Lew diagnosed plantar fasciitis and stated that, "Hard floor problem related [per appellant] to work."

In a June 27, 2000 report, Dr. Lew diagnosed plantar fasciitis, listed the factors of employment to which appellant attributed her diagnosed condition and stated that those factors were the cause of appellant's condition.

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<sup>4</sup> *Id.*

The Board finds that, absent any opposing medical evidence, the form reports and, in particular, Dr. Lew's June 27, 2000 report, although lacking sufficient rationale, are sufficient to require further development of the record by the Office.<sup>5</sup>

On remand, the Office should forward a statement of accepted facts and the medical record to Dr. Lew and request a rationalized medical opinion on causal relationship which includes a detailed explanation of how appellant's factors of employment caused or aggravated appellant's plantar fasciitis. After such development of the case record as the Office deems necessary, a *de novo* decision shall be issued.

The decisions of the Office of Workers' Compensation Programs dated August 14, 2000 and finalized on August 18, 2000 and December 20, 1999 are set aside and the case is remanded for further development consistent with this decision.

Dated, Washington, DC  
November 21, 2001

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member

Priscilla Anne Schwab  
Alternate Member

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<sup>5</sup> *Rebel L. Cantrell*, 44 ECAB 660 (1993); *John J. Carlone*, 41 ECAB 354 (1989).